19 50 **File No.** Stamp II/60 (*)

Legal Department

B **BRANCH**

Subject:—

Notifications under the Indian Stamp Act 1899

P=9
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I/50 (II)

381-B

A revised draft notification is s ent herewith.

2. The word 'Tenancy agreement' has no place in the Stamp Act. The word used is 'Lease' which includes a patta or kabulayat executed by a tenant.

Sd. J.R.Dhurandhar.
13/4

Additional Secretary to Government,
Legal Department.

U.R. to R.D.No. 5049 dated the 13th April 1950

VGP. 28-6-56.

NOTIFICATION.

Revenue Department.

Bombay Castle, 1950.

Indian Stamp Act, 1899.

No. 1589/45.- In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Government of Bombay is pleased to remit, in the whole of the State of Bombay from 15th January 1949 to 3rd February 1950. the duty chargeable under the said Act in respect of Tenancy Agreements executed during the period ~~fr~~ from the 15th January 1949 to the 3rd February 1950 (both inclusive) by the tenants of premises constructed by the Bombay Housing Board established under the Bombay Housing Board Act, 1948 (Bom LXIX of 1948).

By order of the Governor of Bombay.

Secretary to Government.

VGP. 28-6.56.

A revised draft notification is sent herewith.

Sd. J.R.Dhurandhar.
13/4

Additional Secretary to Government.

U.R. to R.D. No. 5111, dated the 14th April 1950.

VGP. 28-6-56.

N O T I F I C A T I O N.

Revenue Department,

Bombay Castle, April, 1950.

Indian Stamp Act, 1899.

No. 9368/45 :- In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1699 (II of 1899) the Government of Bombay is pleased to reduce the duty chargeable under Article 30 in Schedules I to the said Act, in respect of an entry as an advocate, vakil or attorney in the roll of the High Court of Judicature at Bombay of a person who holds a sanad of the High Court of the former Sirohi State permitting him to practise as a legal practitioner in the said High Court to the amount chargeable under the said Article minus the amount, if any paid by such person in respect of the sanad obtained by him to practice in the said High Court.

This notification shall remain in force upto the 31st July 1950.

By order of the Governor of Bombay.

Secretary to Government.

VGP?. 28-6-56.

The powers of the Central Government to appoint the authority under paragraph (d) of clause (9a) of section 3 of the General Clauses Act have been entrusted to the Government of Bombay under the Government of India F.D. Central Revenues notification No. Stamps & 8 dated the 13th November 1937. In view of this power of entrustment, the Revenue Department has appointed the Superintendent of Stamps, Bombay to be the Chief Controlling Revenue Authority for the purposes of the Indian Stamp Act, 1899 within the limits of the Town and Island of Bombay under its notification No.4298/33(b), dated the 24th April 1939. The whole of section 3 of the General Clauses Act has been substituted by the Adaptation of Laws Order 1950. The original section (9a) of section 3 has now been changed into clause(10),. It will be observed that Article 258 of the Constitution of India corresponds to section 124 of the Government of India Act, 1935 and in virtue of the provisions of Article 372 read with Article 375, of the provisions notification entrusting to the Provincial Government the powrrs of the Central Government under clause (d) of the repealed section 3(9a) of the General Clsuses Act will continue to be in force It is therefore competent for the State Government to issue the proposed notification.

2. A revised draft notification in place of the RevenueDept. draft at page 55 ante is sent herewith.

3. Since it is proposed to have only one chief Controlling Revenue Authority for the whole of the State of Bombay, it is necessary to supersede G.N. R.D.No. 429A/33(b), dated the 24th April 1939, soas to deprive the Superintendent of Bombay of his power under the Indian Stamps Act within the limits of the Town and Island of Bombay.

4. The Revenue Department, Government Resolution will require modification in view of the Secretary, R.D.'s note at page 52.

Sd. J.R.Dhurandhar.
29/4

Additional Secretary to Government.

U.R. to R.D.No. 5761, dated the 27th April 1950.
VGP. 28-6-56.

NOTIFICATION.

Revenue Department,
Bombay Castle, April 1950.

General Clauses Act, 1897.

No.389/49.- In exercise of the powers conferred by clause (10) of section 3 of the General Clauses Act, 1897 (X of 1897) and in exercise of the functions of the Central Government entrusted to the Government of Bombay by the Government of India, Finance Department (Central Revenues) Notification, No. Stamps/38, dated the 13th November 1937, and in supersession of Government Notification in the Revenue Department No.4298/33(b) dated the 24th April 1939, the Government of Bombay is pleased to appoint with effect from 1959, the Inspector General of Registration, Bombay State, to be the Chief Controlling Revenue Authority for the purposes of the Indian Stamp Act (II of 1899) within the limits of the State of Bombay.

By order of the Governor of Bombay.

Secretary to Government.

VGP. 23-8-56.

In view of the new Orders of the notification at p. 59 ante requires to be amended by deleting the reference to G.N. R.D. No. 4298/33 (b) dated the 24th April 1930. A new revised notification is sent herewith.

2. The Superintendent of Stamps, Bombay is the Chief Controlling Revenue Authority within the limits of the Town and Island of Bombay, under G.N. R.D. No. 4298/33 (b), dated 24th April 1930. This area is not affected by the provisions of the Greater Bombay Laws and Bombay High Court (Declaration of Limits) Act, 1945, as the Indian Stamp Act, 1899, is shown in Schedule C to the said Act. It is therefore provided in the notification that the new officer will not have jurisdiction within the area within which the Superintendent of Stamps, Bombay, has jurisdiction under G.N.R.D.No. 4298/33(b), dated the 24th April 1930. The Superintendent of Stamps, Bombay, should, however be consulted.

Sd. J.R.Dhanrandhar,
6/5

Additional Secretary to Government.

U.R. to R.D.No. 6221, dated the 6th May 1950.

VGP. 28-6-56.

NOTIFICATION.

Revenue Department,
Bombay Castle, 1950.

General Clauses Act, 1897.

No. 382/49.- In exercise of the powers conferred by clause (10) of section 3 of the General Clauses Act, 1897 (xX of 1897) and in exercise of the functions of the Central Government entrusted to the Government of Bombay by the Government of India, Finance Department, (Central Revenues) Notification, No Stamps/8, dated the 13th November 1937, the Government of Bombay is pleased to appoint with effect from 1950 the Inspector General of Registration, Bombay State to be the Chief Controlling Revenue Authority for the purposes of the Indian Stamp Act (II of 1899), within the limits of the State of Bombay excluding the area within the jurisdiction of the Superintendent of Stamps, Bombay, and referred to in Government Notification in the Revenue Department, No. 4298/33(b) dated the 24th April 1939.

By order of the Governor of Bombay.

Secretary to Government.

VGP. 28-6-56.

The Government of India has missed the point that section 123 of the Transfer of Property Act, 1882 which requires the gift of immovable property to be made by a registered instrument does not apply to the Muslims. (Sec 129 of the Act). If the Government of India was willing to undertake legislation in the matter, it could have been empowered under Article 252 of the Constitution to undertake such legislation. But in view of the administrative and other difficulties pointed out by the Superintendent of Stamps in his memo No. 5940/5 dated 21st June 1950, it is not worthwhile to seek to amend the Indian Stamp Act and the Indian Registration Act in their application to the State of Bombay only.

Sd. J.R.Dhurandhar.
6/7

Additional Secretary to Government.

U.R. to R.D.No.9455, dated the 7th July 1950.

VGP. 28-6-56.

The draft notification at p. 21 ante, as amended, is in order.

The present section 9 of the Indian Stamp Act, 1899 has been renumbered as sub-section (1) and a new sub-section (2) has been inserted by the Adaptation of Laws Order, 1950 published in the 16th January 1950. The order will therefore have to be issued under sub-section (1) of section 9 of the Act.

Sd. J.R.Dhurandhar.
21/7

Additional Secretary to Government.

U.R. to R.D.No. 10387, dated the 22nd July 1950.

VGP. 28-6-56

NOTIFICATION.

REVENUE DEPARTMENT.

BOMBAY CASTLE, July 1950.

Indian Stamp Act, 1899.

No. 1539/45 :- In exercise of the powers conferred by clause (a) sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899) , the Government of Bombay is pleased to remit, in the whole of the State of Bombay with effect from 16th November 1949 the duty chargeable under the said Act on instruments of purchase of movable and immovable properties executed by or on behalf of or in favour of the Bombay State Road Transport Corporation

By order of the Governor of Bombay.

B. A. BAMBAWALE,
Secretary to Government.

To be published in Part IV-A of the Bombay Government Gazette: To be returned with 50 spare copies of the Notification.

For Secretary to the Government of Bombay, Revenue Department.

VGP. 28-6-56.